

REMARKS

By the above actions, claims 13 and 19 have been amended and claim 18 has been cancelled. In view of the actions taken and the following remarks, further consideration of this application is requested. Furthermore no new issues requiring further consideration and/or search are raised by the above amendment to claim 13, since it merely incorporates the subject matter of now-cancelled claim 18 (which subject matter has been removed from claim 19 as well), the wording of which has merely been modified so as to enable amended claim 19 to properly depend therefrom.

In a telephonic interview with the Examiner conducted on even date, it was pointed out that the language of claim 13 that “the discharge space extends from a radially outer area of the face of one of the electrodes to a diametrically opposite radially outer area of the face of the other of the electrodes” should not be construed as being met by the arrangement of the Boy patent wherein the discharge space extends from the entire face of one electrode directly across the gap between the electrodes to the congruently facing entire face of the other electrode. Furthermore, it was pointed out to the Examiner that it was not understandable how claim 18 could have been rejected on the basis of the disclosure of Fig. 3 and the paragraph spanning columns 4 and 5 of the Boy patent the only material on the electrode faces is the activating compound in the annular channel 9, the channels on the electrodes being directly opposite each other as are the exposed areas of the electrode faces. While no commitments were made by the Examiner, she indicated that she would take these arguments into consideration upon filing of a response and recognized that the amendment proposed for claim 13 would raise no new issues.

While not discussed during the interview, it is also noted that the rejection of claim 19 based upon Fig. 3 and the disclosure of column 4, lines 64-65 and of column 3, line 65, is also not understandable and is equally inappropriate since the insulating ring 3 is not on the electrode faces and is not covered by a high electrical resistance material in addition to the fact that the uncovered regions of Boy’s electrodes are directly opposite each other and not transversely/radially offset from each other.

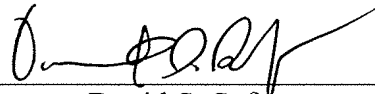
The Danowsky et al. patent which has been cited relative to the use of a plastic ignition element. However, since the Danowsky et al. patent does not disclose any of the

features described above as being lacking in the disclosure of the Boy patent, even if their a plastic ignition element were to be added to the surge arrester of the Boy patent, the present invention would still be patentable unobvious from the resulting device and any other possible combination of their teachings.

Accordingly, the rejections under 35 USC § 102 based on the Boy patent and that under § 103 based on the Boy patent when viewed in combination with the Danowsky et al. patent should be withdrawn and such action is hereby requested.

While it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or an new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,



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